

the future. But I would say to my colleagues, we have some very skilled people who have worked with Congressman LEVIN and myself on the Congressional Executive Commission on China, the Annual Report, 2007.

We have the most complete list of those who are being held prisoner in China, particularly as a result of human rights issues. This booklet, if you have a chance to read it, is a great description put together by some very skilled people on exactly what is happening in China.

There is some progress, and there are areas that are of great concern. We continue to monitor and work on these issues.

I yield the floor, and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3093, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Inouye amendment No. 3214, to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies.

Bingaman-Smith amendment No. 3208, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

Vitter amendment No. 3277, to prohibit funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Thune amendment No. 3317, to provide, in a fiscally responsible manner, additional funding for U.S. attorneys to prosecute violent crimes in Indian country.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, to bring our colleagues up to date, we are resuming consideration of the appropriations on Commerce, Justice, and Science. Working on a very collegial and bipartisan basis, our staffs, the Mikulski staff and the Shelby staff, have worked through the evening working to clear amendments. We believe we are making very good progress.

Where we are now is the Senator from South Carolina will be offering some amendments, and we will probably be having a debate before the noon hour, and at that time we would like to have our colleagues visit with us on how they intend to deal with the amendments they have filed.

I wish to share with my colleagues on both sides of the aisle, it is intent of the Democratic leader, Senator REID that we will finish this bill tonight. Senator REID has instructed me as the manager of this bill to complete action, even if it means staying well into the evening.

We do not have to do that because we have just a core group of amendments. If the Democrats would talk to me during the first vote, and the Republicans would talk to Senator SHELBY, we can move to dispose of them, either to withdraw them, clear them or we ask our colleagues to offer them.

I wished to thank the Senator from South Carolina for being here so promptly. I wish to thank Senator SHELBY and his staff for their work.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

AMENDMENT NO. 3286

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3286.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3286.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3286) is as follows:

(Purpose: To provide that none of the funds made available under the Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a member of Congress, and for other purposes)

On page 97, between lines 6 and 7, insert the following:

SEC. 528. None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any em-

ployee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.

Mr. DEMINT. Mr. President, I actually have two amendments this morning. I will speak briefly on both of them.

I believe both sides have agreed these are good ideas, and I believe one will be accepted, and the other we are going to have a vote at 12, as I understand it.

But the first amendment relates to earmarking and the wasteful earmarks we have talked about often on the Senate floor. Much has been done to make earmarks more transparent, to have more earmarks disclosed.

I think as we do that, we are probably getting a better focus as a Federal Government of how we should be spending our money. But old habits die very hard. It has been very difficult for a number of Members of the House and the Senate to give up this practice of being able to send money wherever they want back in their own State or anywhere in the country.

As we have made it harder to do earmarks in the open, we have found that a number of Members of Congress or their staffs have been calling agencies to request that earmarks be done without Congress's approval at all. This type of "phone marking" has created a new loophole.

This amendment we are offering would disallow any use of funds for that type of earmarking. If I can read the amendment it is very simple.

Again, I believe both sides agree on it.

It says:

None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any employee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.

That is all there is to this amendment, is to disallow this whole idea of picking up the phone and deciding where taxpayer money should go. I understand the other side is prepared to accept or have a voice vote on this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to acknowledge the spirit of reform of the Senator from South Carolina. We too support the spirit of reform on these matters. I support this amendment. I do believe we can accept it.

Mr. President, I ask unanimous consent that the amendment be agreed to.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3286) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

AMENDMENT NO. 3289

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the